

REMARKS

This response is submitted in response to the Office Action mailed on December 29, 2004. In the Office Action, Claims 1-12 and 19-22 stand rejected under 35 U.S.C. § 112 in view of the limitation in the claims "a typical amount of medicament...to achieve a bioequivalent." The Patent Office states "however, nowhere in the specification discloses [sic] a method for delivering medicaments to an individual that [sic] a bioequivalent is achieved."

After receiving the Office Action, Applicants' undersigned attorney telephoned the Examiner to inquire if the 35 U.S.C. § 112 rejection set forth in the Office Action was the only pending rejection and therefore all of the other rejections have been overcome. The Examiner confirmed that the only rejection to the application was the one set forth in the Office Action and all other rejections were withdrawn. Therefore, for the reasons set forth below, Applicants respectfully submit that the application is now in a condition for allowance. To this end, Applicants respectfully submit the 35 U.S.C. § 112 rejection is incorrect as a matter of law and fact.

Applicants previously amended the independent claims, and therefore each of the claims, to set forth the limitation that by using the method of the present invention, less than a typical amount of a medicament can be used by the individual to achieve a bioequivalent effect. In making the amendment, Applicants pointed the Patent Office to pages 6 and 7 as examples of support for the added limitation. The Patent Office now states that this amendment is not supported by the specification under 35 U.S.C. § 112.

Page 7 of the specification specifically states at lines 27-29 "it has also been surprisingly found that less medicament or agent can be placed in the chewing gum than is typically orally administered to an individual to achieve an effect and the same bioequivalents can be achieved." Thus, the Patent Office's statement that the added limitation is not present in the specification is incorrect. The quoted portion of the specification in and of itself supports the limitation.

Applicants note that the Office Action misquotes the specification in making the rejection. In this regard, the Office Action states "page 7, lines 27-32 disclose an increase in the absorption of the drug is achieved as well as an increase in the bioavailability of the drug. However, nowhere in the specification is it disclosed that a method of delivering medicaments to an individual that a bioequivalent is achieved." See Office Action, page 2. As noted above, in

contrast to the Patent Office's statement, lines 27-29 specifically state that the same bioequivalents is achieved.

Furthermore, Applicants respectfully submit that the experiments set forth in the specification demonstrate the claimed bioequivalent effect. In this regard, Applicants also note for the record that the term "bioavailability" is related to bioequivalents. See, *Handbook of Clinical Drug Data*, page 12, 5th Edition.

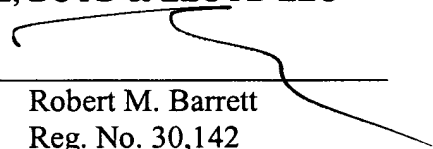
Accordingly, Applicants respectfully submit that the specification clearly provides the necessary support in the written description and therefore the 35 U.S.C. § 112 rejection is improper. Therefore, Applicants respectfully request that the above-identified patent application be passed to allowance.

For the foregoing reasons, Applicants respectfully request reconsideration of their patent application and earnestly request an early allowance of same.

Respectfully submitted,

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